

KEVIN V. RYAN (CASBN 118321)  
United States Attorney

EUMI L. CHOI (WVSN 0722)  
Chief, Criminal Division

ROBERT DAVID REES (CASBN 229441)  
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102  
Telephone: (415) 436-7210  
Fax: (415) 436-7234

Attorneys for Plaintiff

UNITED STATES MAGISTRATE COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR05-0629 MAG
	)	<del>3-05-70548</del>
Plaintiff,	)	
	)	<del>[PROPOSED]</del> ORDER AND
v.	)	STIPULATION FOR CONTINUANCE
	)	FROM SEPTEMBER 29, 2005 TO
ROSSIE HAWKINS,	)	OCTOBER 14, 2005 AND EXCLUDING
	)	TIME FROM THE SPEEDY TRIAL ACT
Defendant.	)	CALCULATION (18 U.S.C. §
	)	3161(h)(8)(A)) AND WAIVER OF TIME
	)	LIMITS UNDER FED. R. CRIM. P. 5.1

With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling a further hearing date of October 14, 2005 at 9:30A.M. before the duty magistrate judge, and documenting the defendant's waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from September 29, 2005, to October 14, 2005. The parties agree, and the Court finds and holds, as follows:

1. The defendant has been released on her own recognizance.
2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) to provide continuity of counsel and reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for

preliminary hearing.

4. Counsel for the defense believes that postponing the preliminary hearing is in his client's best interest, and that it is not in his client's interest for the United States to indict the case during the normal 20-day timeline established in Rule 5.1.

5. The Court finds that, taking into account the public interest in the prompt disposition of criminal cases, these grounds are good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances, the Court finds that the ends of justice served by excluding the period from September 29, 2005 to October 14, 2005, outweigh the best interest of the public and the defendant in a speedy trial. § 3161(h)(8)(A).

6. Accordingly, and with the consent of the defendant, the Court (1) sets a further hearing date before the duty magistrate judge on October 14, 2005, at 9:30A.M., and (2) orders that the period from September 29, 2005 to October 14, 2005 be excluded from the time period for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED:

DATED: 10/03/05

/S/ Daniel Blank  
DANIEL BLANK  
Assistant Federal Public Defender  
Attorney for Defendant

DATED: 10/04/05

/S/ Robert D. Rees  
ROBERT DAVID REES  
Assistant United States Attorney

IT IS SO ORDERED.

DATED: October 5, 2005

  
HON. JOSEPH SPERO  
United States Magistrate Judge